

REMARKS

Claims 1-5, 8-16, 19-28 and 31-36 are in the application. Claims 1, 12, 23, 33 and 36 have been amended. No new matter has been added. No claim is allowed.

Rejection under 35 U.S.C. § 103

All of the claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrow (US2004/0054952 “Morrow”) in view of Sarbin (5,179,517 “Sarbin”), both of record. Reconsideration and withdrawal of this rejection are respectfully requested,

The examiner describes Morrow as purporting to show the elements of the present claims except for a controller programmed to allow a person to make a wager; programmed to cause a video image representing a casino game to be played; and programmed to determine a value payout associated with the outcome of the game.

The examiner further states that Sarbin discloses a gaming machine comprising a data transfer system that operates “by collecting data (such as game machine malfunction data) from game machines and transferring said data to a portable memory medium such as a smart card.”

This rejection is respectfully traversed and withdrawal thereof is respectfully requested. Claims 1, 12, 23, 33 and 36 have been amended to indicate that the controller must be programmed to store selected crash data such that the data comprises selected data regarding the gaming apparatus resulting from a gaming apparatus failure collected for diagnosing gaming apparatus failure, including at least one of operating system failure, application software failure, mechanical failure and electrical failure. The claims also recite that the storage device is removable from the gaming apparatus, the removable storage memory being different from the memory operatively coupled to the processor, and that the gaming apparatus is operable when the removable storage memory is removed from the gaming apparatus.

While Morrow discloses removable storage devices 80 and 90, neither of these removable storage devices meets all the requirements of the present claims. The removable storage device 80 contains only update files 82 and may optionally contain verification software 70. *See*, [0040] in Morrow. The update files 82 are files that are used to replace any obsolete or corrupted files in the

gaming apparatus when a verification process is performed. Verification is a matching process for matching identification numbers of the components in the database as described in [0009] through [0011] in Morrow. The removable storage memory 80 in Morrow is not one to which a storage device is adapted to write. The examiner states that in Morrow storage of recorded logs on any persistent memory performs equally well. The examiner concludes that it would involve only routine skill in the art to store the log on any of the persistent memories disclosed in Morrow. However, storing indiscriminate choices of data on any available persistent memory in Morrow's apparatus is not applicant's invention. It is true that given a set of data to store and given a choice of persistent memories from which to select, one of ordinary skill can cause any data to be stored on any of the memories *given the instructions or motivation to do so*. In Morrow par. [58] it is taught to record selected system events on persistent storage devices 90 or 490. Storage device 90 cannot be removed without making the apparatus inoperable since it contains software programs and operating system files. Media 490 is in a remote server, not in the gaming apparatus. So why would one of ordinary skill in the art modify this, in the face of what Morrow teaches, to take selected data out of memories 90 and/or 490 and transfer them to removable memory 80? It is submitted that one of ordinary skill in the art would not be led to do this *in absence of applicant's teaching of the advantages of the present invention*. Furthermore, why, among the myriad of system events available to record, would one select to move to memory 80 crash data regarding that gaming apparatus resulting from a gaming apparatus failure for diagnosing gaming apparatus failure, including at least one of operating system failure, application software failure, mechanical failure and electrical failure *in absence of applicant's teaching of the advantages of the present invention*? It is submitted that one of ordinary skill would not make such a selection without the teaching of applicant's invention. It is submitted that the examiner is exercising inappropriate hindsight using the teaching of applicant's disclosure to arrive at his conclusions.

Regarding Sarbin, it is directed to use of a carried data unit to be used in a gaming machine. Sarbin describes a player carried data unit (Fig. 5) and an employee carried data unit (Figs 6 and 7). The employee carried data unit, such as a smart card, is inserted into the gaming machine, for example, to receive gaming machine identification with dated machine information, or play and status data (Fig. 6) that can be then used as input to a central data system. All of the data uploaded from the gaming machine to the smart card, other than time and machine ID, is characterized as the "number of" times an identified event occurred. See Col. 8, lines 40-67. This is statistics collection. But applicant's invention involves not merely statistics collection. Why, among the myriad of events and data available to record, would one select to move to a smart card crash data regarding

that gaming apparatus resulting from a gaming apparatus failure for diagnosing gaming apparatus failure, including at least one of operating system failure, application software failure, mechanical failure and electrical failure *in absence of applicant's teaching of the advantages of the present invention?* It is submitted that one of ordinary skill would not make such a selection without the teaching of applicant's invention. It is submitted that the examiner is exercising inappropriate hindsight using the teaching of applicant's disclosure to arrive at his conclusions.

The removable storage memory according to the present invention is advantageous in that it greatly facilitates the diagnosing and operation of the gaming devices within the casino. This data, typically very complex compared to simple data which is transferred onto, for example a smart card, may be used to diagnose gaming unit failure, software failure, mechanical or electrical failure, without using traditional complex and time consuming methods, used by casino operators.

It is submitted further that Morrow and Sarbin do not demonstrate this advantageous use of a removable storage memory or how to accomplish it in the operation of a gaming machine. For the reasons discussed above, it is submitted that the claims are not obvious over the combination of Morrow and Sarbin and withdrawal of the rejection is respectfully requested.

It is submitted that upon entry of this amendment this application is in condition for allowance. It is respectfully requested that this application be passed to issuance.

Respectfully submitted,
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